

SO ORDERED: March 31, 2011.



A handwritten signature in black ink that reads "Basil H. Lorch III".

Basil H. Lorch III
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:)	Chapter 11
)	
EASTERN LIVESTOCK CO., LLC,)	Case No. 10-93904-BHL-11
)	
Debtor.)	Hon. Basil H. Lorch III

**ORDER GRANTING TRUSTEE'S MOTION FOR AN ORDER
ESTABLISHING BAR DATES FOR FILING PROOFS OF CLAIM AND
EQUITY INTERESTS, AND APPROVING THE
PROPOSED FORM AND MANNER OF NOTICE THEREOF**

This matter came before the Court on the *Trustee's Motion For An Order Establishing Bar Dates For Filing Proofs Of Claim And Equity Interests, And Approving The Proposed Form And Manner Of Notice Thereof* ("Motion") filed by James A. Knauer, the chapter 11 trustee appointed in this case ("Trustee") on March 17, 2011. In the Motion, the Trustee seeks the entry of an order (i) establishing bar dates to file proofs of claim and equity interests for all creditors of Eastern Livestock Co., LLC ("Debtor"), including governmental

entities and creditors holding Rejection Claims¹; and (ii) approving the proposed form and manner of notice thereof.

Upon the consideration of the Motion, and the objections to the Motion, if any, the Court now being duly advised finds that: (i) it has jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. §§ 157 and 1334, (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (iii) the relief requested in the Motion is in the best interests of the Debtor, its estate and its creditors; (iv) proper and adequate notice of the Motion and the hearing, if necessary, thereon has been served and that no other or further notice is necessary; and (v) upon the record herein after due deliberation thereon good and sufficient cause exists for the granting of the relief set forth herein. Accordingly,

IT IS HEREBY ORDERED that:

A. The Motion is hereby GRANTED consistent with this Order and any objections thereto are hereby overruled.

B. Pursuant to section 105(a) of the Bankruptcy Code and Bankruptcy Rule 3002(c)(3), all persons and entities including, without limitation, individuals, partnerships, joint ventures, corporations, estates, or trusts holding or wishing to assert a "claim," as defined in 11 U.S.C. § 101(5), or an equity interest as defined in 11 U.S.C. § 101(16), including claims entitled to administrative expense priority pursuant to 11 U.S.C. § 503(b)(9), arising prior to the Petition Date or deemed to have arisen prior to the Petition Date pursuant to section 501(d) of the Bankruptcy Code against the Debtor are required to file with the Claims Agent or by use of the CM/ECF filing system on or before 11:59 p.m. (prevailing Eastern Time) on May 2, 2011 ("Bar Date"), a completed and executed proof of claim (conforming substantially to Official Form No.

¹ All capitalized terms not otherwise defined herein shall have the meaning ascribed to such terms in the Motion.

10) ("Proof of Claim") on account of any claims or equity interests such creditors hold or wish to assert against the Debtor; except that proofs of claim are not required to be filed at this time by creditors holding or wishing to assert claims or interests against the Debtor of the types set forth in clauses (i) through and including (v), below:

- i. Any person or entity that has already properly filed with the Clerk of the United States Bankruptcy Court for the Southern District of Indiana a proof of claim against the Debtor utilizing a claim form substantially in conformity with Official Form No. 10;
- ii. Any person or entity (i) whose claim or equity interest is listed on the Schedules or any amendments thereto; (ii) whose claim or equity interest is not listed as "disputed," "contingent," or "unliquidated," and (iii) who does not dispute the amount, classification or nature of the claim or equity interest for such person or entity as set forth in the Schedules or any amendments thereto;
- iii. Any person or entity that holds a claim that has been allowed by an order of this Court entered on or before the applicable Bar Date;
- iv. Holders of claims or equity interests that have been paid in full prior to the applicable Bar Date; and
- v. Persons or entities who waived their claims or equity interests pursuant to stipulations or orders of the Court.

C. All persons and entities wishing to assert a claim arising from the postpetition rejection of a contract or lease by the Trustee must file a separate, completed and executed proof of claim on account of this type of claim before the later of (i) the Bar Date and (ii) thirty (30) calendar days following the entry of the order authorizing rejection of an executory contract or unexpired lease under section 365 of the Bankruptcy Code ("Rejection Claim Bar Date").

D. Any governmental unit holding or wishing to assert a "claim," as defined in 11 U.S.C. § 101(5), arising prior to the Petition Date or deemed to have arisen prior to the Petition Date pursuant to Section 501(d) of the Bankruptcy Code against the Debtor is required

to file on or before 11:59 p.m. (prevailing Eastern Time) on **June 30, 2011** ("Governmental Bar Date") and together with the Bar Date and the Rejection Claim Bar Date, the "Bar Dates", a separate, completed and executed Proof of Claim on account of any claims such creditors hold or wish to assert against the Debtor.

E. Notwithstanding the foregoing regarding an 11:59 p.m. (prevailing Eastern Time) filing deadline, filings made in a fashion other than through CM/ECF must be actually received by the Claims Agent on or before 11:59 p.m. (prevailing Eastern Time) on the applicable Bar Date.

F. The Bar Date Notice, substantially in the form attached to this Order as Exhibit 1, is hereby approved.

G. Within five (5) days after the date of this Order, the Trustee shall cause copies of the Bar Date Notice and the Proof of Claim Form to be mailed by first class United States mail, postage prepaid, to the following:

- i. All parties listed on Debtor's Master Creditor List, which includes all known holders of claims and interests and their counsel (if known);
- ii. All federal, state, and local taxing authorities for jurisdictions in which the Debtor has conducted business;
- iii. Parties to any litigation that was pending as of the Petition Date and any party that has filed a motion to lift the automatic stay;
- iv. All persons and entities requesting notice pursuant to Bankruptcy Rule 2002 as of the date of this Order;
- v. The Office of the United States Trustee for Region 10; and
- vi. The Internal Revenue Service.

The Trustee, however, is not required to mail a Bar Date Notice to any creditor or entity where prior mailings have been returned to the Trustee as non-deliverable with no forwarding or alternate address.

H. In accordance with Bankruptcy Rules 2002(a)(7) and 9008, service of the Bar Date Notice and Proof of Claim Form in the manner set forth above shall be deemed good and sufficient notice of the Bar Dates to all creditors.

I. Any holder of a claim or equity interest against Debtor who is required, but fails, to file a proof of claim or interest in accordance with this Order so as to be actually received on or before 11:59 p.m. (prevailing Eastern Time) on the applicable Bar Date shall be forever barred, estopped, and enjoined from asserting such claim or interest against Debtor (or filing a proof of claim or interest with respect thereto), and the Debtor and its property shall be forever discharged from any and all indebtedness or liability with respect to such claim or interest, and such holder shall not be permitted to vote on any plan of reorganization or participate in any distribution in the Chapter 11 Case on account of such claim or interest or to receive further notices regarding such claim or interest.

J. Subject to Paragraph E of this Order, for any proof of claim to be timely filed pursuant to this Order, it must be **ACTUALLY FILED OR RECEIVED** by the Claims Agent on or before 11:59 p.m. (prevailing Eastern Time) on the applicable Bar Date at one of the addresses listed below. Proofs of claim shall be deemed filed only when **ACTUALLY FILED WITH THE COURT'S CM/ECF SYSTEM OR RECEIVED**, with original signatures and not by facsimile or electronic mail, by the Claims Agent at one of the following addresses:

By mail:

BMC Group, Inc.
Attn: Eastern Livestock Claims Processing
PO Box 3020
Chanhassen, MN 55317-3020

By hand or overnight delivery:

BMC Group, Inc.
Attn: Eastern Livestock Claims Processing
18750 Lake Drive East
Chanhassen, MN 55317

K. A creditor must file all claims or equity interests it holds against the Debtor on a single Proof of Claim and shall not file multiple proofs of claim.

L. The provisions of this Order apply to all prepetition claims or equity interests, as those terms are defined in 11 U.S.C. § 101, of whatever character against Debtor or its assets.

M. Nothing contained herein shall be construed to impair the Trustee's rights to dispute any claim. Further, the filing of a proof of claim shall not create an immediate right to payment.

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Exhibit 1

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:)	Chapter 11
)	
EASTERN LIVESTOCK CO., LLC,)	Case No. 10-93904-BHL-11
)	
Debtor.)	Hon. Basil H. Lorch III

**ORDER AND NOTICE OF DEADLINE FOR THE FILING OF PROOFS OF CLAIM
AND EQUITY INTERESTS AGAINST THE DEBTOR AND OF
PROCEDURE TO FILE PROOFS OF CLAIM**

Bar Date for Prepetition Claims or Equity Interests: **11:59 p.m. (prevailing Eastern Time) on May 2, 2011.** See below regarding claims filed in a manner other than with CM/ECF.

Bar Date for Rejection Claims: **Later of (i) 11:59 p.m. (prevailing Eastern Time) on May 2, 2011, and (ii) thirty (30) days following the entry of an order authorizing rejection of an executory contract or unexpired lease under Section 365 of the Bankruptcy Code.** See below regarding claims filed in a manner other than with CM/ECF.

Bar Date for Prepetition Claims of Governmental Entities: **11:59 p.m. (prevailing Eastern Time) on June 30, 2011.** See below regarding claims filed in a manner other than with CM/ECF.

IF YOU HAVE ALREADY PROPERLY FILED A PROOF OF CLAIM, YOU DO NOT NEED TO RE-FILE UNLESS YOU HAVE OTHER CLAIMS.

PLEASE TAKE NOTICE that on December 6, 2010 ("Petition Date"), certain petitioning creditors commenced the above-captioned chapter 11 case ("Chapter 11 Case") against the above-captioned debtor and debtor in possession ("Debtor") by filing an involuntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. ("Bankruptcy Code") in the United States Bankruptcy Court for the Southern District of Indiana, New Albany Division ("Court"). Pursuant to an Order [Docket #102] entered by the Court on December 27, 2010, James A. Knauer was appointed as the chapter 11 trustee in this case ("Trustee").

Bar Date for Creditors Other Than Governmental Entities:

PLEASE TAKE FURTHER NOTICE that the Court has entered an order dated March 30, 2011 ("Bar Date Order"), requiring all persons and entities, EXCEPT THOSE PERSONS AND ENTITIES DESCRIBED IN PARAGRAPHS "2(a)" THROUGH "2(e)" BELOW, wishing to assert a claim or equity interest against the Debtor, including claims entitled to administrative expense priority pursuant to 11 U.S.C. § 503(b)(9), that arose prior to the Petition Date to file a complete and duly executed proof of claim form on account of such claim

so that it is actually received NO LATER THAN 11:59 p.m. (prevailing Eastern Time) on **May 2, 2011** ("**Bar Date**") at one of the addresses set forth below or via the Court's CM/ECF system:

By mail:

BMC Group, Inc.
Attn: Eastern Livestock Claims Processing
PO Box 3020
Chanhassen, MN 55317-3020

By hand or overnight delivery:

BMC Group, Inc.
Attn: Eastern Livestock Claims Processing
18750 Lake Drive East
Chanhassen, MN 55317

Notwithstanding the foregoing, filings made in a fashion other than through CM/ECF must be **actually received** by the Trustee's claims agent, The BMC Group, Inc. ("Claims Agent") on or before 11:59 p.m. (prevailing Eastern Time) on the applicable Bar Date.

Rejection Claim Bar Date

PLEASE TAKE FURTHER NOTICE that pursuant to the Bar Date Order, all persons and entities wishing to assert a claim arising from the rejection of an executory contract or unexpired lease under section 365 of the Bankruptcy Code ("Rejection Claims") must file a complete and duly executed proof of claim form on account of such claim so that it is actually received NO LATER THAN the later of (i) 11:59 p.m. (prevailing Eastern Time) on **May 2, 2011** and (ii) thirty (30) days following the entry of the order authorizing rejection of an executory contract or unexpired lease under section 365 of the Bankruptcy Code ("Rejection Claim Bar Date") one of the addresses set forth below or via the Court's CM/ECF system:

By mail:

BMC Group, Inc.
Attn: Eastern Livestock Claims Processing
PO Box 3020
Chanhassen, MN 55317-3020

By hand or overnight delivery:

BMC Group, Inc.
Attn: Eastern Livestock Claims Processing
18750 Lake Drive East
Chanhassen, MN 55317

Notwithstanding the foregoing, filings made in a fashion other than through CM/ECF must be **actually received** by the Claims Agent on or before 11:59 p.m. (prevailing Eastern Time) on the applicable Bar Date.

Bar Date for Governmental Entities:

PLEASE TAKE FURTHER NOTICE that pursuant to the Bar Date Order, all governmental units wishing to assert a claim against the Debtor that arose prior to the Petition Date must file a complete and duly executed proof of claim form on account of such claim so that it is actually received NO LATER THAN 11:59 p.m. (prevailing Eastern Time) on **June 30, 2011** ("Governmental Bar Date" and together with the Bar Date, "Bar Dates") at one of the addresses set forth below or via the Court's CM/ECF system:

By mail:

BMC Group, Inc.
Attn: Eastern Livestock Claims Processing
PO Box 3020
Chanhassen, MN 55317-3020

By hand or overnight delivery:

BMC Group, Inc.
Attn: Eastern Livestock Claims Processing
18750 Lake Drive East
Chanhassen, MN 55317

Notwithstanding the foregoing, filings made in a fashion other than through CM/ECF must be **actually received** by the Claims Agent on or before 11:59 p.m. (prevailing Eastern Time) on the applicable Bar Date.

NOTICE IS FURTHER GIVEN THAT IF YOU ARE REQUIRED TO FILE A PROOF OF CLAIM OR EQUITY INTEREST AND FAIL TO DO SO IN THE MANNER PRESCRIBED, YOU SHALL BE FOREVER BARRED FROM VOTING UPON, OR RECEIVING DISTRIBUTIONS UNDER, ANY PLAN OR PLANS OF REORGANIZATION OR LIQUIDATION FOR THE DEBTOR, AND SHALL BE FOREVER BARRED FROM ASSERTING ANY SUCH CLAIM OR INTEREST AGAINST THE DEBTOR OR ITS SUCCESSORS OR ASSIGNS.

THE INFORMATION PROVIDED BELOW IS FOR YOUR CONVENIENCE ONLY AND SHOULD IN NO WAY BE CONSTRUED AS LEGAL ADVICE. YOU SHOULD CONSULT AN ATTORNEY REGARDING THE MATTERS SET FORTH IN THIS NOTICE.

1. WHAT IS A CLAIM?

Under section 101(5) of the Bankruptcy Code and as used herein, the term "claim" means (a) right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal equitable, secured or unsecured; or (b) right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured. You should consult an attorney if you are unsure if you have a claim.

2. WHO DOES NOT NEED TO FILE A PROOF OF CLAIM OR EQUITY INTEREST AT THIS TIME

Pending further order of the Court, the following persons or entities are NOT required to file a proof of claim or interest on or before the applicable Bar Date with respect to any claim of the type set forth below:

- a. any person who or entity that has already properly filed with the Clerk of the United States Bankruptcy Court for the Southern District of Indiana a proof of claim or equity interest against the Debtor in the form and manner required by Bankruptcy Rules 3003 and 9009 and substantially conforming to Official Form No. 10;

- b. Any person or entity (i) whose claim or equity interest is listed on the Debtor's schedules of assets and liabilities ("Schedules") or any amendments thereto; (ii) whose claim or equity interest is not listed as "disputed," "contingent," or "unliquidated," and (iii) who does not dispute the amount, classification or nature of the claim or equity interest for such person or entity as set forth in the Schedules or any amendments thereto;
- c. Any person or entity that holds a claim or equity interest that has been allowed by an order of this Court entered on or before the applicable Bar Date;
- d. Persons or entities whose claims or equity interests have been paid in full by the Debtor prior to the applicable Bar Date; and
- e. Persons or entities who waived their claims or equity interests pursuant to stipulations or orders of the Court.

Should the Court, in the future, fix a date by which any of the above persons or entities must file a proof of claim, you will be so notified and given the opportunity, if necessary, to file a proof of claim. You should consult an attorney if you unsure whether or not you need to file a claim or interest.

3. WHO MUST FILE A PROOF OF CLAIM

You must file a proof of claim if you have a prepetition claim and you are not included among the persons and entities listed in paragraph "2" above. In this regard, please note that acts or omissions of the Debtor that occurred prior to the Petition Date may give rise to a prepetition claim against the Debtor notwithstanding the fact that such claim (or the injuries on which they are based) may be contingent or may not have occurred, matured or become fixed or liquidated prior to such date. Therefore, any creditor having a prepetition claim or potential prepetition claim against the Debtor, no matter how remote or contingent, must file a proof of claim on or before the applicable Bar Date. As noted above, proofs of claim will be deemed filed only when they are actually filed or received, at the address listed below in paragraph "5." You should consult an attorney if you unsure whether or not you need to file a claim or interest.

4. PROOF OF CLAIM FORMS

If you are listed on the Schedules, you may have already received a notice of the case and a proof of claim form(s) and instructions explaining the procedures for completing and filing the proof of claim form. Please take note that any proof of claim filed shall substantially conform to Official Form No. 10 (which is incorporated into and made a part of the Bankruptcy Rules). A proof of claim form and instructions are included with this Bar Date Notice.

5. WHEN AND WHERE TO FILE

All proofs of claim or interests must be filed electronically via the Court's CM/ECF system or by mailing, by hand, courier or overnight delivery of the original signed of such proof of claim so that it is actually received NO LATER THAN 11:59 p.m. (prevailing

Eastern Time) on either the Bar Date, the Rejection Claim Bar Date or the Governmental Bar Date, respectively, at one of the following addresses or via the Court's CM/ECF system:

By mail:

BMC Group, Inc.
Attn: Eastern Livestock Claims Processing
PO Box 3020
Chanhassen, MN 55317-3020

By hand or overnight delivery:

BMC Group, Inc.
Attn: Eastern Livestock Claims Processing
18750 Lake Drive East
Chanhassen, MN 55317

Notwithstanding the foregoing, filings made in a fashion other than through CM/ECF must be **actually received** by the Claims Agent on or before 11:59 p.m. (prevailing Eastern Time) on the applicable Bar Date. Proof of Claim forms shall not be accepted via facsimile or electronic mail.

6. COPIES OF DOCUMENTS AND ACCESS THERETO

Copies of documents filed in the chapter 11 case are available online via the Court's CM/ECF system (PACER account required and a fee may be charged per page) or may be inspected during regular business hours at the Office of the Clerk, United States Bankruptcy Court for the Southern District of Indiana, 110 U.S. Courthouse, 121 West Spring Street, New Albany, IN 47150.

7. DISCLAIMER

Please keep in mind that the filing of a Proof of Claim does not entitle you to payment. The Trustee reserves all rights to contest claims.

QUESTIONS CONCERNING THIS NOTICE SHOULD BE DIRECTED TO THE BMC GROUP, INC. AT (888) 909-0100.

CLAIMANTS SHOULD CONSULT WITH AN ATTORNEY REGARDING THEIR RIGHTS AND RESPONSIBILITIES OF ASSERTING AND FILING CLAIMS.

Dated: March 30, 2011

Indianapolis, Indiana

/s/ Kevin P. Dempsey
Clerk, United States Bankruptcy Court